

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Kristopher BUCHANAN et al.)	Group Art Unit: 1775
)	
Application No.: 10/539,562)	Examiner: Bowers, N.
)	
Filed: June 17, 2005)	Confirmation No.: 2677
)	
For: SYSTEMS AND METHODS OF)	
SAMPLE PROCESSING AND)	
TEMPERATURE CONTROL)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Dako A/S, duly organized under the laws of Denmark and having its principal place of business at Produktionsvej 42, DK-2600 Glostrup, Denmark, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/539,562, filed June 17, 2005 for SYSTEMS AND METHODS OF SAMPLE PROCESSING AND TEMPERATURE CONTROL in the names of Kristopher Buchanan, Marc Key, John Favuzzi, Rosanne Welcher, Benno Guggenheimer, Robert Clark, Michael Barber, and Bob Lathrop, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 014347, Frame 0869 on February 18, 2004, Reel 016804, Frame 0165 on September 14, 2005, and Reel 017080, Frame 0733 on November 30, 2005.

Assignee, Dako A/S, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent Application No. 10/538,964, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 014370, Frame 0861 on February 24, 2004; Reel 014371, Frame 0217 on February 24, 2004; Reel 016790, Frame 0134 on September 13, 2005; Reel 016790, Frame 0144 on September 13, 2005; and Reel 017080, Frame 0733 on November 30, 2005.

Assignee, Dako A/S, also represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent Application No. 10/539,308, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 014347, Frame 0903 on February 18, 2004; Reel 016783, Frame 0244 on September 13, 2005; and Reel 017080, Frame 0733 on November 30, 2005.

Assignee, Dako A/S, also represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 7,875,245, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 018049, Frame 0202 on June 30, 2006; and Reel 020034, Frame 0166 on October 30, 2007.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer, of prior patent No. 7,875,245 or any patent granted on pending applications 10/538,964 and 10/539,308. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior patent No. 7,875,245 or any patents granted on pending applications 10/538,964 and 10/533,908 are commonly owned. This

agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of prior patent No. 7,875,245 or any patents granted on pending applications 10/538,964 and 10/539,308, as presently shortened by any terminal disclaimer, in the event that prior patent No. 7,875,245 or any patents granted on pending applications 10/538,964 and 10/539,308, later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated before the expiration of their full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 31, 2011

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